

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

March 26, 2013

Place: City Hall, Conference Room W-133

Time: **9:00 a.m. (Special Time)**

Item(s) to be discussed:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 2

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

1. Case Name: In re: Claim of Tapia
Name(s) of
Parties(s) Involved:
Court:
Case No.:
Amount of Money Administrative Appeal
or Other Relief
Sought:
2. Case Name: In re: Claim of Greenfield
Name(s) of
Parties(s) Involved:
Court:
Case No.:
Amount of Money Administrative Appeal
or Other Relief
Sought:

3. Case Name: Hammond v. City, et al.
Name(s) of Parties(s) Involved: CHE HAMMOND, CITY OF SAN JOSE, OFFICER TESSLER (4169), SGT MATCHETT (3302), and DOES 1-40
Court: Santa Clara County Superior Court
Case No.: 1-10-CV-171204
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: Kerkeles v. City of San Jose, et al.
Name(s) of Parties(s) Involved: MICHAEL KERKELES, a.k.a. MICHAEL KERK, CITY OF SAN JOSE, MATTHEW CHRISTIAN, and DOES 1 through 25
Court: Superior Court of California, County of Santa Clara
Case No.: 1-08-CV103523
Amount of Money or Other Relief Sought: Damages according to proof.
5. Case Name: Stand for San Jose, et al. v. City, et al.
Name(s) of Parties(s) Involved: STAND FOR SAN JOSE AND EILEEN HANNAN; CITY OF SAN JOSE; CITY COUNCIL OF THE CITY OF SAN JOSE; REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE; DIRIDON DEVELOPMENT AUTHORITY
Court: Santa Clara County Superior Court
Case No.: 1-11-CV-214196
Amount of Money or Other Relief Sought: Injunctive relief
6. Case Name: Ted Smith v. City, et al.
Name(s) of Parties(s) Involved: TED SMITH, CITY OF SAN JOSE, a municipal entity; SAN JOSE REDEVELOPMENT AGENCY, a municipal entity; HARRY MAVORGENES, in his official capacity as Executive Director of the San Jose Redevelopment Agency; MAYOR CHUCK REED, in his official capacity

as Mayor of the City of San Jose; PETE CONSTANT, in his official capacity as a Councilmember for the City of San Jose; ASH KALRA, in his official capacity as a Councilmember for the City of San Jose; SAM LICCARDO, in his official capacity as a Councilmember for the City of San Jose; PIERLUIGI OLIVERO, in his official capacity as a Councilmember for the City of San Jose; MADISON NGUYEN, in her official capacity as a Councilmember for the City of San Jose; ROSE HERRERA, in her official capacity as a Councilmember for the City of San Jose; JUDRY CHIRCO, in her official capacity as a Councilmember for the City of San Jose; KARNSEN CHU, in his official capacity as a Councilmember for the City of San Jose; NORA CAMPOS, in her official capacity as a Councilmember for the City of San Jose; NANCY PYLE, in her official capacity as a Councilmember for the City of San Jose; and DOES 1-20

Court: Santa Clara County Superior Court

Case No.: 1-09-CV-150427

Amount of Money Damages according to proof
or Other Relief
Sought:

7. Case Name: OE#3 v. City of San Jose

Name(s) of OPERATING ENGINEERS LOCAL UNION NO. 3,
Parties(s) Involved: CITY OF SAN JOSE

Court: State of California Public Employees Relations Board

Case No.: SF-CE-900-M

Amount of Money
or Other Relief
Sought:

8. Case Name: AFSCME v. City of San Jose

Name(s) of AMERICAN FEDERATION OF STATE, COUNTY AND
Parties(s) Involved: MUNICIPAL EMPLOYEES, CITY OF SAN JOSE

Court: State California Public Employees Relations Board

Case No.: SF-CE-924-M

Amount of Money
or Other Relief
Sought:

9. Case Name: IAFF Local 230 v. City of San Jose
Name(s) of Parties(s) Involved: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
LOCAL 230, CITY OF SAN JOSE
Court: State of California Public Employees Relations Board
Case No.: SF-CE-969-M
Amount of Money
or Other Relief
Sought:
10. Case Name: IFPTE Local 21, AFL-CIO v. City of San Jose
Name(s) of Parties(s) Involved: INTERNATIONAL FEDERATION OF PROFESSIONAL
AND TECHNICAL ENGINEERS, CITY OF SAN JOSE
Court: State of California Public Employees Relations Board
Case No.: SF-CE-966-M
Amount of Money
or Other Relief
Sought:
11. Case Name: San Jose Police Officers' Association v. City, et al.
Name(s) of Parties(s) Involved: SAN JOSE POLICE OFFICERS' ASSOCIATION, CITY
OF SAN JOSE, BOARD OF ADMINISTRATION FOR
POLICE AND FIRE DEPARTMENT RETIREMENT
PLAN OF CITY OF SAN JOSE AND DOES 1-10
Court: Superior Court of California, County of Santa Clara
Case No.: 112CV225926
Amount of Money or Other Relief Sought: Declaratory and injunctive relief
12. Case Name: Sapien, et al. v. City of San Jose, et al.
Name(s) of Parties(s) Involved: ROBERT SAPIEN, MARY KATHLEEN MCCARTHY,
THANH HO, RANDY SEKANY, KEN HEREDIA, CITY
OF SAN JOSE, DEBRA FIGONE in her official
capacity as City Manager of the City of SAN JOSE,
Does 1 through 15, THE BOARD OF
ADMINISTRATION FOR THE 1961 SAN JOSE
POLICE AND FIRE DEPARTMENT RETIREMENT
PLAN.
Court: Superior Court of California, County of Santa Clara

Case No.: 112CV225928

Amount of Money Challenge to Measure B
or Other Relief
Sought:

13. Case Name: Harris, et al. v. City of San Jose, et al.

Name(s) of TERESA HARRIS, JON REGER, MOSES SERRANO,
Parties(s) Involved: SUZANN STAUFFER, CITY OF SAN JOSE, DEBRA FIGONE, in her capacity as City Manager of the CITY OF SAN JOSE, THE BOARD OF ADMINISTRATION FOR THE 1975 FEDERATED CITY EMPLOYEES' RETIREMENT PLAN, DOES 1 through 15

Court: Superior Court of California, County of Santa Clara

Case No.: 112CV226570

Amount of Money Challenge to Measure B
or Other Relief
Sought:

14. Case Name: Mukhar, et al. v. City of San Jose, et al.

Name(s) of JOHN MUKHAR, DALE DAPP, JAMES ATKINS,
Parties(s) Involved: WILLIAM BUFFINGTON, KIRK PENNINGTON, CITY OF SAN JOSE, DEBRA FIGONE, in her official capacity as City Manager of the CITY OF SAN JOSE, THE BOARD OF ADMINISTRATION FOR THE 1975 FEDERATED CITY EMPLOYEES' RETIREMENT PLAN, AND DOES 1 through 15

Court: Superior Court of California, County of Santa Clara

Case No.: 112CV226574

Amount of Money Challenge to Measure B
or Other Relief
Sought:

15. Case Name: AFSCME, et al. v. City of San Jose, et al.

Name(s) of AMERICAN FEDERATION OF STATE, COUNTY,
Parties(s) Involved: AND MUNICIPAL EMPLOYEES, LOCAL 101 on behalf of its members, CITY OF SAN JOSE, DEBRA FIGONE in her official capacity as City Manager, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN

Court: Superior Court of California, County of Santa Clara

Case No.: 112CV225928

Amount of Money Challenge to Measure B
or Other Relief
Sought:

**D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6:**

City Negotiator: City Manager designee Alex Gurza

Employee Organizations:

1. Organization or **Association of Building, Mechanical and Electrical**
 Name and Title of **Inspectors (ABMEI)**
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing Memorandum of Agreement – City of San José and
 Contract or MOA: Association of Building, Mechanical and Electrical
 Inspectors (ABMEI)

 How to Obtain a Web:
 copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>
 Contract or MOA: Telephone – Employee Relations: (408) 535-8150

2. Organization or **Association of Engineers & Architects (AEA)**
 Name and Title of
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing Memorandum of Agreement — City of San José and
 Contract or MOA: Association of Engineers & Architects (AEA)

 How to Obtain a Web:
 copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>
 Contract or MOA: Telephone – Employee Relations: (408) 535-8150

3. Organization or **Association of Maintenance Supervisory Personnel**
 Name and Title of **(AMSP)**
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing City of San José - Association of Maintenance
 Supervisory Personnel (AMSP) Benefit &

Contract or MOA: Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **Confidential Employees' Organization, AFSCME Local 101 (CEO)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — Confidential Employees' Organization, AFSCME Local 101 and City of San José
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF),

Contract or MOA: Local 230

How to Obtain a Web:
copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>

Contract or MOA: Telephone – Employee Relations: (408) 535-8150

7. Organization or **International Brotherhood of Electrical Workers,**
Name and Title of **Local 332 (IBEW)**
Unrepresented
Employees:
Nature of wages/salaries, hours, working conditions, etc.
negotiations:
Name of Existing Memorandum of Agreement Between City of San José
Contract or MOA: and International Brotherhood of Electrical Workers,
Local 332 (IBEW)
How to Obtain a Web:
copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>
Contract or MOA: Telephone – Employee Relations: (408) 535-8150
8. Organization or **Municipal Employees' Federation, AFSCME Local**
Name and Title of **101, AFL-CIO (MEF)**
Unrepresented
Employees:
Nature of wages/salaries, hours, working conditions, etc.
negotiations:
Name of Existing Memorandum of Agreement — City of San José and
Contract or MOA: Municipal Employees' Federation, AFSCME Local 101,
AFL-CIO
How to Obtain a Web:
copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>
Contract or MOA: Telephone – Employee Relations: (408) 535-8150
9. Organization or **International Union of Operating Engineers, Local**
Name and Title of **No. 3 (OE#3)**
Unrepresented
Employees:
Nature of wages/salaries, hours, working conditions, etc.
negotiations:

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

10. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

City Negotiator: City Manager designee Jennifer Schembri

11. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA:



*Successor Agency to
The Redevelopment Agency of the City of San José*

Richard Doyle, City Attorney

**SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY OF THE CITY OF SAN JOSE
CLOSED SESSION AGENDA**

March 26, 2013

Place: City Hall, Room W-133
Time: 9:00 a.m. (Special Time)

Item(s) to be discussed:

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the
Government Code:

Number of matter(s) to be discussed: 1